COUNTY [illegible] LOS ANGELES - SHERIFF'S DE[illegible]RTMENT
INCIDENT DATA

WHAT INITIATED INCIDENT

Call		Observation	X	Search Warrant		Arrest Warrant	

LOCATION OF OCCURRENCE

[redacted] North Paola Avenue, Los Angeles

(Shooting took place in front yard, firing toward car wash/street area)

TYPE OF LOCATION

Residence	X	Business	X	Industrial		Parking Lot	
Street	X	Backyard		Freeway		Rural	
Other							

SHOOTING CONDITIONS

DATE	TIME	DAY
10/16/96	0600 hours	Wednesday

LIGHTING

Daybreak, some lights on in an adjacent carwash.

WEATHER

Clear

DISTANCE

First shot - approximately 60 feet
Second shot - approximately 65 feet

CONTRIBUTING FACTORS

Suspect had committed an assault and armed robbery on off-duty Deputy's father. When Deputy exited his residence, he saw the suspect holding, what appeared to be a knife in one hand.

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

DEPUTY INVOLVED

SHOOTER

EMPLOYEE'S NAME		
JUAREZ, Rudolph J.		

RANK	EMPLOYEE NO.	UNIT AND DIVISION / REGION OF ASSIGNMENT
Deputy Generalist	[redacted]	NCCF / Custody Division North

SEX	RACE	HEIGHT	WEIGHT	DATE OF BIRTH	AGE
M	Hispanic	5-10	185	[redacted]	34

DUTY STATUS	HIRE DATE
Continuing on duty	05/31/95

UNIFORM	RAID JACKET	PLAIN CLOTHES	VEST
No	No	Yes	N/A

INJURED	DECEASED	CORONER'S CASE NO.
N/A		

DESCRIPTION OF INJURIES
N/A

WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE? YES [ ] NO [X]

WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? YES [ ] NO [X]

WHERE?

SUPERVISED BY:

WEAPON USED

TYPE	AUTHORIZED
Beretta 92F, 9mm Pistol Personally owned, [redacted]	Yes

AMMUNITION TYPE	AUTHORIZED
Winchester 147 gr. Dept. Issue	Yes

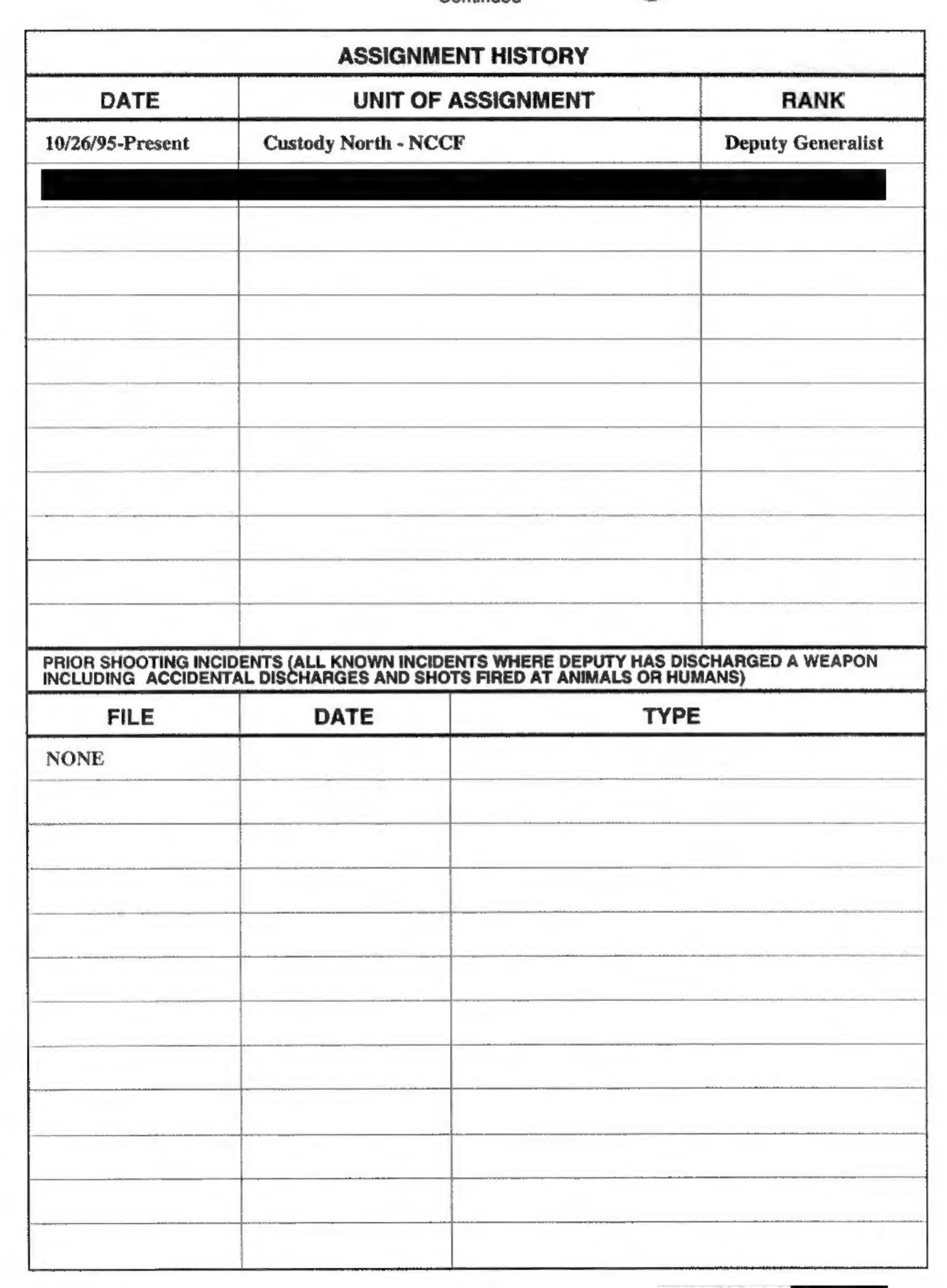
RANGE QUALIFICATION (LAST DATE)	NO. OF ROUNDS FIRED BY DEPUTY	NO. OF HITS
[redacted]	Two (2)	None

DEPUTY'S TOXICOLOGY

UNDER THE INFLUENCE	TEST FOR CAUSE ORDERED	ORDERED BY
No	No	N/A

TRAINING INFORMATION

LASER VILLAGE TRAINING (LAST DATE)	PRACTICAL POLICE COURSE (LAST DATE)
[redacted]	[redacted]



ASSIGNMENT HISTORY

DATE	UNIT OF ASSIGNMENT	RANK
10/26/95-Present	Custody North - NCCF	Deputy Generalist
[redacted]		

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)

FILE	DATE	TYPE
NONE		

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

SUSPECT/SUBJECT

LAST NAME	FIRST NAME	M/I
Unknown		

ADDRESS
Unknown

SEX:	RACE	HEIGHT	WEIGHT	D.O.B.	AGE	DECEASED
M	Hispanic	5-6 - 5-11	145-150	Unk	18-26	N/A

INJURED	DESCRIPTION OF INJURIES
No	N/A

SUSPECT'S TOXICOLOGY

UNDER THE INFLUENCE
Unknown

TYPE OF SUBSTANCE	LAB TEST CONDUCTED

ARMED	TYPE OF WEAPON
Yes	6" knife (kitchen type)

NUMBER OF SHOTS FIRED BY SUSPECT	NUMBER OF HITS
none	N/A

SUSPECT VEHICLE
1980's Honda type (small Japanese made import)

CRIMINAL HISTORY (ATTACH COPY OF RAPS)
Not in custody

SUMMARY OF INCIDENT

Deputy's father was [redacted] a car wash adjacent to their residence. Deputy lives with parents. Father is confronted by suspect who robs and assaults him. During the robbery and assault, deputy is asleep in [redacted] residence and is awaken by commotion. Deputy looks out the residence window toward the car wash and sees father being assaulted by suspect. Deputy grabs his Beretta pistol and exits the residence. Suspect is now next to his car (right rear quarter panel) when deputy yells, "Department Sheriff." Suspect does not acknowledge deputy's announcement and fearing suspect is still in proximity to assaulting father, he fires one shot. Suspect then looks toward deputy and moves around car toward driver's door and deputy fires second shot. Neither shot appears to strike suspect or car and suspect drives down the street and out of view.

Robbery investigation handled by LAPD.

Note: Same suspect commits another robbery (LAPD 96-04-00948) about one hour later and this time, he stabs victim, causing a very minor flesh wound.

INVESTIGATIVE SUMMARY

FILE # 010887

The summary of this incident is based upon reports, memorandums, and interviews. It also contains information verbally relayed to the Internal Affairs Bureau investigators. This summary also contains information summarized from the taped interviews with subject Deputy Rudolph J. Juarez, [redacted], and his father, [redacted] MH/72, who was the victim of the assault and robbery which precipitated this non-hit shooting. Subject Deputy Juarez fired his Beretta 92F pistol twice at the suspect.

Lieutenant Ben Nottingham and Sergeants Pete Fosselman and Barry McCrummen responded to the scene on October 16, 1996, and contacted LAPD Officers [redacted], [redacted] for preliminary information on the non-hit shooting incident.

The investigation revealed that on Wednesday, October 16, 1996, at approximately 0600 hours, victim [redacted] was assaulted and robbed while he was [redacted] the car wash which is located directly [redacted] to his residence. During the assault, victim [redacted] yelled to his son, subject Deputy Juarez, who was asleep in the residence, that he was being assaulted. Subject Juarez looked out the window, saw that his father was being assaulted, grabbed his Beretta pistol and exited the residence.

When subject Juarez exited the residence onto the front walkway, the suspect was now standing [redacted] of the residence, adjacent to his (suspect) parked vehicle. The vehicle was parked at the curb, adjacent to the car wash, approximately sixty (60) feet from the walkway where subject Juarez was now standing. The subject had something shiny, believed to be a knife, in his hand. Victim [redacted] face was covered with blood. Believing that the suspect was still in dangerous proximity to his father, subject Juarez yelled, "Department Sheriff" at the suspect. The suspect did not acknowledge the announcement. Subject Juarez then fired one round from his pistol at the suspect.

According to subject Juarez, the suspect looked in his (subject Juarez) direction after the first shot and then moved around the vehicle to the driver's side door. Subject Deputy Juarez then fired a second shot at the suspect as the suspect appeared to be retrieving something from the vehicle. The suspect, apparently not hit, then entered his vehicle and drove north on Paola Avenue and east on Huntington Drive out of view.

The Los Angeles Police Department responded and handled the assault and robbery investigation (File #96-004-23881). They declined to handle any of the officer involved shooting investigation.

Subject Juarez, accompanied by his attorney from ALADS, declined initially to be interviewed. He was later interviewed on November 14, 1996 and was represented.

Sergeants Fosselman and McCrummen recovered two spent cases from subject Juarez's Beretta. The casings were located in a small planter area adjacent to the walkway of the Juarez residence. These items, along with subject Juarez's pistol were taken to the Sheriff's Crime Lab for analysis. The pistol was test fired and a positive match on the casings was made. (Crime lab report submitted with this investigation package).

Of note is the fact that the same suspect in the same vehicle committed another armed robbery

about a half mile from this location within an hour of this incident. In this robbery, also handled by LAPD (File #96-004-00948), the suspect lightly stabbed the female victim three times with a knife. The knife's blade became stuck in the victim's bra strap and the suspect eventually fled the scene, leaving the knife stuck in the clothing. The suspect is still outstanding.

Subsequent to this investigation on November 26, 1996, Sergeant Fosselman spoke with the handling detectives from the Los Angeles Police Department, Hollenbeck Division regarding the robber investigation. Detective [redacted], informed Sergeant Fosselman that the suspect's vehicle was located the following day and impounded. No bullet holes were found in the exterior or interior of the vehicle. The registered owner is believed to have been the suspect. When Detective [redacted] questioned the registered owner, a photo was taken for a show up. None of the victims in either this investigation or the subsequent robbery investigation were able to identify the registered owner as the perpetrator. The registered owner was not arrested. Detective [redacted] feels the registered owner may have been involved in two other robberies and hopefully a positive identification can be made by those victims. All investigations are continuing.

SUBJECT INTERVIEW

CASE NUMBER IAB 010887

RUDOLPH J. JUAREZ, DEPUTY [redacted] CUSTODY DIVISION NORTH, NORTH COUNTY CORRECTIONAL FACILITY

> **IAB Note:** *On the morning of this non-hit shooting, (October 16, 1996) subject Deputy Juarez declined to be interviewed. His representative, attorney Elizabeth Gibbons, told Sergeant Fosselman that her client would prefer to be interviewed at a later date. The interview was eventually scheduled for Thursday, November 14, 1996.*

Subject Deputy Rudolph J. Juarez, [redacted] was interviewed on Thursday, November 14, 1996, at approximately 1620 hours, by Sergeants Pete Fosselman and Barry McCrummen of the Internal Affairs Bureau. Subject Juarez was given a copy of his Administrative Rights as a Sworn Subject which he read, stated he understood and signed. Subject Juarez waived the reading of these rights on tape. He elected to be represented by attorney Elizabeth Gibbons from the law offices of Greene & Shinee. The interview was tape recorded and took place at the Internal Affairs Bureau offices in Commerce, CA. The following is a summary of subject Juarez's interview.

Subject Juarez said that he has been a Deputy Sheriff for about one year and is currently assigned to the North County Correctional Facility.

Subject Juarez said that he recalled the off-duty shooting incident that occurred on October 16, 1996, at approximately 0600 hours. Subject Juarez said that he was involved in this incident and he was off-duty at the time.

Subject Juarez said that he was inside his residence at [redacted] asleep when he was awaken by his father's screaming. He said his father was outside the residence. He said that his mother came into his room where he (Juarez) was sleeping and told him that something was wrong with his (Juarez) father.

Subject Juarez said that he continued to hear screams from his father as he (Juarez) walked into the dining room area of the residence and looked out the window. He said that he saw his father at the car wash and he was being assaulted so he (Juarez) grabbed his gun and went to the front of the house. He said that he saw the suspect holding what appeared to be a knife in his right hand so he fired his first shot. He said the suspect then backed around the car and he fired a second shot.

Subject Juarez said that his father then began to approach him so he pointed his weapon down and the suspect drove from the location toward Huntington Drive and made a right turn (east) and drove out of view.

Subject Juarez said that his father's head was covered with blood and he asked him (father) if he wanted medical attention. He said that his father did not want any medical attention so he (Juarez) went into the house and called 9-1-1. He said that he called his Lieutenant at work and advised

him of what had happened and he then called his union representative.

IAB Note: *After subject Juarez gave a brief overview of the incident, he was asked some specific questions by Sergeants Fosselman and McCrummen. His answers are as follows.*

Subject Juarez said that he resides at the [redacted] address with his parents.

Subject Juarez said that he first became aware that something was happening outside the residence when he heard the screaming. He said the screaming woke him up. He said that his mother was in the bathroom and yelled for him to go see what was going on. He said that he heard his father yell, [redacted] and the screams were not normal, but at the top of his lungs (voice).

Subject Juarez said that his room is on the opposite side of the house from where the screams were coming from. He said the screams were coming from the alley or car wash side [redacted] of the house and his room is on the other [redacted] side of the house.

Subject Juarez said that when he looked out the window of the dining room, he could see into the alley and the car wash. He said that he saw the male suspect assaulting his father. He said the car wash was dark.

Subject Juarez said the suspect was on top of his father, hitting him numerous times in the face. He said his father was in the prone position, face up and the suspect was standing over him, bent down and hitting him in the face. He said that he believes the suspect was hitting his father with his right fist in the face. He said that it was hard to tell, but he could see the suspect's arm motion going up and down.

Subject Juarez said that he grabbed his Beretta (pistol) and told his mother to leave the lights off so he (Juarez) would not be silhouetted. He said that he went outside and stood between the [redacted] trees in front of the porch. He said that he does not remember if he was on the porch or the walkway. He said that at this time, he was dressed in his shorts and a T-shirt, and he had his slippers on.

Subject Juarez said that when he first came outside, he saw the suspect standing near the right rear quarter panel of his (suspect) vehicle, facing his (Juarez) father. He said the suspect was not facing him (Juarez) but he (suspect) was facing his father. He said at this time he saw a "glimmer" in his (suspect) right hand that he (Juarez) thought was a knife. He said that his father was staggering toward the suspect.

Subject Juarez said the suspect's car was parked in the street, on the west side of the car wash. He said the suspect was standing on the passenger's side of his (suspect) car, near the rear quarter panel. He said that his father was "near" the suspect. He said that his father did not have anything in his hands. He said that he only remembers his father cupping his hand over his left eye.

IAB Note: *Subject Juarez was asked the specific distance between his father and the suspect and he said that he could not recall. He would give no estimate at this time.*

Subject Juarez said the suspect did not know he (Juarez) was standing on the walkway. He said that he yelled, "Department Sheriff" at the suspect. He said the suspect did not acknowledge his announcement. He said that he only yelled one time. He said that he did not have his badge or identification card with him.

IAB Note: *Sergeant Fosselman asked subject Juarez a second time about the suspect acknowledging his presence or announcement.*

Subject Juarez said, "No, no sir. I don't know if he acknowledged me. He didn't face me. I don't know if I said it loud enough. I don't remember. I only said it once."

Subject Juarez said the suspect was near his father (non specific) and his father was wondering and staggering around. He said his father "wasn't there" referring to his state of mind.

Subject Juarez said the suspect standing in the alley near the rear of his (suspect) car. He said the suspect's car was parked with the right rear tire up on the curb. He said the suspect was close to the rear of the car but he (Juarez) can't recall (in feet) how close. He said his father was on the car wash property.

Subject Juarez said the shinny object in the suspect's hand appeared to be a knife. He said the lights (from the car wash) made it shimmer.

Subject Juarez said that when he saw the shinny object in the suspect's hand, his father appeared to be moving toward the suspect. He said that he (Juarez) is not saying that his father was walking to the suspect, but he was staggering around toward the suspect because he (father) did not have all his senses. He said that he (Juarez) did not think his father knew what he was doing. He said that he was scared the suspect was going to stab his father so he (Juarez) fired his weapon.

Subject Juarez said that when he fired, the suspect was at the right rear quarter panel near the trunk. He said that he fired once, then the suspect "back peddled" around his car and he (Juarez) fired again. He said that he thinks the distance was about 25 yards, but he doesn't recall. He said the background was the church, a palm tree, and Huntington Drive, and a sand lot near the church. He said there were no people or traffic in the background both times he shot.

Subject Juarez said his father was between the car wash and the house when he (Juarez) shot. He said he (father) was probably in the middle of the alley near the vacuum cleaner. Subject Juarez said that he can't remember how close his father was to the suspect's car when he shot.

Subject Juarez said that he did not see his father break out the window of the suspect's car. He said that when he shot, he (Juarez) was only focused on the suspect. He said that he did not pay any attention to the window. He said that after the suspect left, he (Juarez) asked his father about the broken window. He said that he asked, "Did you hit the window or did I?" He said that his father told him (Juarez) that he (father) broke it with his bucket.

Subject Juarez said that he remembers seeing the right rear window being broken.

> **IAB Note**: *Sergeant Fosselman explained to subject Juarez the contents of his father's interview regarding the chain of events. Sergeant Fosselman specifically mentioned the fact that his father said that the shots were fired after he broke the window. Sergeant Fosselman specifically addressed the fact that his father said that when he (father) broke out the window, the suspect was standing at the driver's door and that after breaking the window, he (father) backed up a few steps and the suspect entered the car and drove off.*

Subject Juarez said that he could not explain why his father placed the suspect on the driver's side of the car when the shots were fired and he (Juarez) placed the suspect on the opposite side of the car when he (Juarez) fired his first shot. Subject Juarez said, "Well that's my father's statement, not mine."

IAB Note: *Attorney Gibbons began to verbally justify the confusion. She was advised that the statements made by the father and subject Juarez were not consistent. The father placed the suspect on the driver's side when the shots were fired, and subject Juarez was placing the suspect on the passenger's side when the first shot was fired. Attorney Gibbons attempted to use the father's "condition" as an escape for the discrepancy. She was reminded that the father was interviewed within hours of the incident and the subject was now being interviewed nearly a month later. Attorney Gibbons said there is no reason the father's statement is any more accurate than that of subject Juarez.*

Subject Juarez said that he did not see the window get broken. He said that he was focused on the suspect and when he noticed the broken window, he (Juarez) thought his shot hit the car. He said that he now thinks the window was already broken when he fired his first shot.

Subject Juarez said that he keeps his Beretta fully loaded, fifteen (15) in the magazine and one (1) in the chamber. He said the Beretta he was using was his personally owned pistol. (An examination of the pistol at the scene found fourteen (14) rounds in the pistol, thirteen (13) in the magazine and one (1) in the chamber).

IAB Note: *At this point, the questioning of the subject switched to Sergeant McCrummen. He asked some specific questions to clarify some points. Subject Juarez gave the following answers.*

Subject Juarez said that when he first heard his dad screaming and was told by his mother to check on him (father), he (Juarez) looked out the dining room window. He said the window has drapes but he could see out. He said that it was dark outside, but there was one light on at the car wash and he was able to see.

Subject Juarez said that his father was between two vacuums, near the alley, when he (Juarez) first saw him (father) through the dining room window. He said that he does not know what the distance was from the street to his father, but he said there are four (4) vacuums, and his father was between the second one and the third.

Subject Juarez said that when he exited the house, it "seems" like he (Juarez) was standing on the walkway. He said that when he went outside, his father was near the first vacuum. He said that his father was on the east side of the vacuum. He said the suspect was now near the right rear quarter panel of his (suspect) car.

IAB Note: *The first vacuum, where the subject said his father was standing, is twenty one (21) feet from the curb. If the father was standing east of the vacuum, this distance would be farther.*

Subject Juarez said at this time, he announced "Department Sheriff" but he (suspect) did not acknowledge the announcement. He said the suspect was looking at his father at this time.

Subject Juarez said that he felt a level of threat to his father because the suspect was holding a knife in his right hand.

IAB Note: *Sergeant McCrummen asked subject Juarez for a specific distance, in feet, of the suspect's position in relationship to his father.*

Subject Juarez said he didn't know the distance but it was close. Subject Juarez said "yes" to Sergeant McCrummen's question, "Was the suspect close enough to reach out and cut your father?" Subject Juarez

then said the suspect would have to take a "couple" steps to reach his father. Subject Juarez then said the distance was about five feet.

Subject Juarez said the suspect was moving toward his father when he (Juarez) shot. He then said that when he (Juarez) came out of the house, the suspect was at the right rear quarter panel of his (suspect) car. He said that everything was in motion at the time and after saying, "Department Sheriff" he fired his first shot because he noticed the suspect had a knife in his right hand. He said his father was in close proximity and the suspect was in "motion" moving toward his father, away from the car and toward the car wash. Subject Juarez said he fired one round at this time. He said he fired the second round after the suspect back peddled around the car.

Subject Juarez said that he fired the second round because he (Juarez) did not know if he (suspect) was going to get something else out of the car to fire back at him.

> **IAB Note**: *Sergeant McCrummen then asked subject Juarez if he saw the suspect retrieve anything from the car to fire back at him (Juarez).*

Subject Juarez said, "I didn't know what else he had in his hands. I know he had a knife." He said that the suspect did not bring his hands up in a threatening manner. He said, "I just fired my two shots."

> **IAB Note**: *Sergeant McCrummen clarified that he was talking about the second shot.*

Subject Juarez said he fired the first shot in fear of his father being hurt. He said the second shot was fired when the suspect was on the driver's side and he (suspect) appeared that he (suspect) might be trying to get something out of the car. He said that the suspect made a motion like he was moving something from the front seat to the back seat. He said the driver's door was open. He said he could not see what he (suspect) was doing, but he (Juarez) could only see motions.

> **IAB Note**: *Attorney Gibbons objected to Sergeant McCrummen's questioning of subject Juarez. She said that subject Juarez said what he "thought" was going on, even though there was no actual seeing of a life-threatening object.*

Subject Juarez said that after firing the first shot, the suspect looked in his (Juarez) direction and back peddled around the car and ducked. He said that he fired the second shot because "I shoot in twos, not one."

> **IAB Note**: *Sergeant McCrummen explained the difference between a "double tap" two shot shooting versus firing one shot and then firing a second shot, seconds later. He also explained that by the subject's own statements, the shots were not fired together. One was fired while the suspect was in one location and the second shot was fired when the suspect moved around the car.*

Subject Juarez said, "I shot two rounds." He then said that he fired the first shot when the suspect was a threat to his father. He then agreed to Sergeant McCrummen's statement that the second shot was not fired until the suspect went completely around the car, opened the door, and was about to get into the car when the second shot was fired. He said that it did not take a "long" time for the suspect to move around the car.

Subject Juarez said that he does not recall if the suspect looked in his direction prior to getting into the car. He said the suspect got into the car and started it after the second shot was fired. He said the car started up after the second shot was fired.

Subject Juarez said that as the car drove away, he was still covering it with his pistol.

> **IAB Note**: *Sergeant Fosselman, using the summarized taped interview with the subject's father for reference, read from the summary to subject Juarez and attorney Gibbons. The specific section read referred to the fact that the father broke out the window when the suspect was standing at the driver's door about to get into the car. The driver's door was open. The summary indicates the two shots were fired just after he (father) broke out the window. The interview summary indicates that the suspect did not get back out of the car after the window was broke, but drove away. The summary indicates that the if the shots were fired as the suspect was getting into the car, he (father) would have been in the line of fire, therefore the shots must have been after the suspect got into the car. The interview summary also indicates by the father's own admission that he was a little confused as to the suspect's "exact" position when the shots were fired, but he was sure that the suspect was almost inside the car when he broke the window and then he heard the shots.*
>
> *The point that Sergeant Fosselman was attempting to clear up is the fact that at no time did the father, in any statements, ever put the suspect at the right rear quarter panel when he heard either of the two shots.*
>
> *After reading the summary, attorney Gibbons attempted to discount the credibility of the father due to his "condition" and the fact that he was possibly confused and that he hadn't been to the hospital. She said that the fact that the father's interview was within a couple hours of the incident, versus subject Juarez's statements nearly a month later, does not make one statement any more accurate than the other.*

Subject Juarez said that when the suspect was at the driver's door, he saw the suspect doing "something" and attempt to get into the car. He said that after he fired the first shot, he (Juarez) did not move from his position on the walkway. He said that he never considered moving to a better vantage point or place of concealment if the suspect did in fact produce a gun. He said that had he backed onto the porch, he would not have been able to see the suspect. He said that he did not consider using any of the parked cars in front of his residence for cover. He said his father was more of a concern so he kept the suspect covered with his weapon (from where he was standing).

Subject Juarez said that from the walkway, looking at the suspect's car where it was parked, he could not see anything other than his (suspect) upper torso. He said the suspect's hands and arms were moving forward and it seemed like forever for him (suspect) to get into the car. He said the suspect did not appear to be trying to seat himself in the car.

> **IAB Note**: *Subject Juarez stood and demonstrated the movements of the suspect. He demonstrated a movement that indicated reaching into the car.*

Subject Juarez said he did not know where the round from the second shot went. He said that after the second shot, the suspect then got into the car. He said that he (Juarez) heard the car start and he saw the back up lights come on momentarily before the car drove forward down the street.

Subject Juarez said no one was in the immediate area, down range, when he fired his shots.

Subject Juarez said he does not know how many times the suspect hit his father. He said that it was more than five times. He said that he did not see the suspect knock his father down. He said that he did not see

the knife in the suspect's hands when initially looking out the dining room window.

When subject Juarez said that he had nothing else to say, and there were no more questions, the interview was concluded at approximately 1701 hours.

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

WITNESS LIST

SWORN AND DEPT EMPLOYEES TO INCLUDE NAME, RANK, EMPLOYEE NUMBER, UNIT, AND DIVISION/REGION OF ASSIGNMENT - ALL OTHER WITNESSES TO INCLUDE NAME, ADDRESS (BUSINESS AND HOME) AND TELEPHONE #
WITNESS # 1 Mr. [redacted] MH/72 DOB [redacted] was interviewed on October 16, 1996 at 0930 hours by Sergeant Pete Fosselman of the Internal Affairs Bureau. The interview was tape recorded.
WITNESS # 2 Mr. [redacted] MH/23 [redacted] was interviewed on October 16, 1996 at 0725 hours by LAPD Officer [redacted]. The interview was not tape recorded.
WITNESS # 3 Mr. [redacted] MH/61 [redacted] was interviewed on October 16, 1996 at 0740 hours by LAPD Officer [redacted]. The interview was not tape recorded.
WITNESS # 4 Mr. [redacted] MH/62 [redacted] was interviewed on October 16, 1996 at 0730 hours by LAPD Officer [redacted]. The interview was not tape recorded. Mr. [redacted] was additionally interviewed by Sergeant Pete Fosselman of the Internal Affairs Bureau on December 2, 1996. This interview was tape recorded.

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

WITNESS LIST

SWORN AND DEPT EMPLOYEES TO INCLUDE NAME, RANK, EMPLOYEE NUMBER, UNIT AND DIVISION/REGION OF ASSIGNMENT - ALL OTHER WITNESSES TO INCLUDE NAME, ADDRESS (BUSINESS AND HOME) AND TELEPHONE #
WITNESS # 5 Mr. [redacted] MH/32 [redacted] **was interviewed on October 16, 1996 at 0730 hours by LAPD Officer [redacted]. The interview was not tape recorded.**
WITNESS # 6 Mr. [redacted] MA/73 [redacted] **was interviewed on October 16, 1996 at 0735 hours by LAPD Officer [redacted]. The interview was not tape recorded. Mr. [redacted] was additionally interviewed by Sergeant Pete Fosselman of the Internal Affairs Bureau on December 2, 1996. This interview was tape recorded.**
WITNESS # 7 Mr. [redacted] MH/45 [redacted] **was interviewed on October 16, 1996 at 0900 hours by LAPD Officer [redacted]. The interview was not tape recorded. Mr. [redacted] was additionally interviewed by Sergeant Pete Fosselman of the Internal Affairs Bureau on December 2, 1996. This interview was tape recorded.**
WITNESS # ____ **was interviewed on ______________ at ________ hours by ______________________ of the Internal Affairs Bureau. The interview was (was not) tape recorded. The person interviewed was given a copy of his/her Administrative Rights: Yes [ ] No [ ]**

WITNESS INTERVIEW

CASE NUMBER IAB 010887

[redacted] *MH/72, DOB* [redacted]

> **IAB Note:** *Mr. Rudolph Juarez was the victim of an armed robbery and the only witness that was present when the off duty shooting occurred. At the scene, he agreed to be interviewed by Sergeant Pete Fosselman of the Sheriff's Internal Affairs Bureau as a witness to the shooting. The interview took place on Wednesday, October 16, 1996, at approximately 0930 hours and was tape recorded. The following is a summary of his interview.*

Witness [redacted] said that he resides at [redacted] which is directly [redacted] to the coin-operated car wash [redacted]

Witness [redacted] said that when he came out of his house at approximately 0545 hours, he saw a car stopped at the northeast corner of Paola Avenue and Huntington Drive. He said that he saw a male, wearing a red jacket, walking east across the crosswalk, directly in front of the stopped car. He said the driver of the car yelled something to the pedestrian and the two of them apparently conversed about something. He said the car was facing north at the corner and was just short of the east-west crosswalk. He said that after the apparent conversation, the pedestrian continued east on the Huntington Drive sidewalk and went out of view.

Witness [redacted] said that the driver of the vehicle backed [redacted] down the street toward his [redacted] house. He said that he [redacted] was now standing at the car wash, between the two center vacuums that are directly [redacted] to the [redacted] alley that separates his house from the car wash. He said that he is the [redacted] of the car wash and [redacted], he sweeps the parking lots and picks up the trash.

Witness [redacted] said that he was no longer paying attention to the car or its driver until he was suddenly startled by the driver's presence directly behind him.

Witness [redacted] said the driver, a male, said, "I want your wallet." Witness [redacted] said that he told this man that he didn't have any money but the suspect (driver) said that he wanted his wallet anyway He said the suspect then grabbed him [redacted] and they started to scuffle. He said the suspect then punched him [redacted] in the face with his right fist and the punch knocked him [redacted] to the ground. He said that after he fell to the ground, the suspect reached into his [redacted] rear pants' pocket and took out his wallet.

> **IAB Note:** *Witness* [redacted] *was wearing heavy glasses when he was punched. The impact caused the frames of the glasses to cut witness* [redacted] *face on the left cheek, where the eye glasses frame made contact, and he was also cut on the bridge of the nose. At the time of this interview, witness* [redacted] *had cleaned up his face. The two small cuts/lacerations, caused by the eye glasses frame were visible, but did not appear serious. The left cheek bone area was red and swollen. Witness* [redacted] *was going to check with his doctor later on in the morning. He appeared to be coherent and fully cognizant of situation that occurred.*

Witness [redacted] said that after he was knocked to the ground he looked up at the suspect and he was holding a knife in his right hand. He said that even though it was dark, the lights were on at the car wash.

Witness [redacted] said the suspect then started walking toward his parked car on Paola Avenue. He said that as the suspect was walking, he (suspect) was looking through the wallet and when he didn't find any money, the suspect said, "Hey, you ain't got no money." He said the suspect then threw the wallet to the ground in the alley.

Witness [redacted] said that at this point, he noticed the suspect starting to get into his car. He said that he [redacted] ran over to the parked car and using a steel trash bucket, he [redacted] broke out the back window of the car.

Witness [redacted] said the car was a small blue model, Japanese made car. He said that it was a small compact style, not a full size model.

Witness [redacted] said that during the scuffle, he was yelling to his son, [redacted] He said that his wife, who was getting ready for work and was awake at the time, heard him [redacted] yelling and woke up their son, [redacted]

Witness [redacted] said that he did not see the knife before he was knocked to the ground He said that after being knocked down, that is when he first noticed the knife. He said the suspect took the knife with him back to his (suspect) car.

Witness [redacted] said that he did not see his son, [redacted], exit the house. He said that immediately after breaking the back window of the suspect's car, he backed up a few steps and that is when he heard the two shots fired by his son, [redacted].

Witness [redacted] said the car was parked adjacent to the curb with the right rear tire up on top of the curb. He said that when the car drove off, the car did not sound like it was running very well.

Witness [redacted] said that the suspect did not appear to have been hit by the two gunshots.

Witness [redacted] said that he is not sure if the suspect was in the car completely when he heard the two shots. He said the suspect must have been in the car because he was starting to get into the car when he (Juarez) broke out the window and the shots were after he broke out the window.

Witness [redacted] said that after the shots were fired, the suspect drove north on Paola Avenue to Huntington Drive, and then east out of view.

The tape recorded interview was concluded at approximately 0936 hours.

> **IAB Note:** *Witness [redacted] was again interviewed a little while later and the tape was started once again at approximately 1009 hours. He was asked to specifically describe where the suspect's car was parked and to explain the time sequence once again regarding the breaking of the window and the gunshots fired by his son, [redacted].*

Witness [redacted] said that the car was parked just north of the alley on Paola Avenue facing north. He said the right rear tire was up on the curb. He said that he was standing on the sidewalk, near the right rear quarter panel of the car when he hit the window with the trash bucket. He said that when he hit the car's rear window with the bucket, the driver's door was open and the suspect was just starting to get inside He said that after he hit the window and it broke, the suspect said something to him and he [redacted] immediately backed away. He said that the two gunshots were after he [redacted] broke the window with the bucket.

Witness [redacted] said that as he backed away, the suspect was getting inside the car. He said the suspect did not get back out of the car after he [redacted] broke the window. He said the car then drove away, northbound on Paola Avenue to eastbound on Huntington Drive and out of view.

> **IAB Note:** *Sergeant Fosselman questioned witness [redacted] rather extensively about the position of the suspect when the shots were fired. When Sergeant Fosselman specifically asked, "To the best of your memory, the suspect was getting into the car when you (witness) heard the two shots?"*

Witness [redacted] seemed a little puzzled, but said, "If he (suspect) was getting into his car, and he [redacted] fired the shots when I broke that window, I would have been in the line of fire." He then said, "It must have been after I went into the house because I was bleeding and that is when my wife got all hysterical so it must have been after."

> **IAB Note:** *Sergeant Fosselman told witness [redacted] that he (Fosselman) was now confused. Witness [redacted] said that he too was a little confused.*

Witness [redacted] said that he did in fact remember that the suspect was getting into his car through the driver's door when he [redacted] broke the rear window. He said that when he [redacted] broke the window, he [redacted] backed away because he thought the suspect might come after him. He said this is when he heard the shots.

This second interview was concluded at approximately 1012 hours.

WITNESS INTERVIEW

CASE NUMBER IAB 010887

[redacted] *MH/23, DOB* [redacted]

Witness [redacted] was interviewed by LAPD Officer [redacted] assigned to Hollenbeck Division. The interview was not tape recorded and took place on October 16, 1996, at approximately 0725 hours. Officer [redacted] wrote down the statement made by witness [redacted] and provided the statement to Sergeant Pete Fosselman of the Internal Affairs Bureau.

Witness [redacted] said that at approximately 0600 hours, he heard some yelling and screaming coming from across the street from his house. He said that shortly after hearing the yelling and screaming, he heard two (2) gun shots. He did not see or witness anything else.

WITNESS INTERVIEW

CASE NUMBER IAB 010887

[redacted] *MH/61,* [redacted]

Witness [redacted] was interviewed by LAPD Officer [redacted] assigned to Hollenbeck Division. The interview was not tape recorded and took place on October 16, 1996, at approximately 0740 hours. Officer [redacted] wrote down the statement made by witness [redacted] and provided the statement to Sergeant Pete Fosselman of the Internal Affairs Bureau.

Witness [redacted] said that he was outside his home at approximately 0600 hours when he heard someone yelling, [redacted] He said that he lives [redacted] to victim [redacted]. He said that he heard (door slamming) someone exit the house and then heard someone yell, "I've just been assaulted." He said that he then heard two (2) gun shots. He did not see anything or hear anything after the gun shots.

WITNESS INTERVIEW

CASE NUMBER IAB 010887

[redacted] ***MH/62, DOB*** [redacted]

Witness [redacted] was interviewed by LAPD Officer [redacted] assigned to Hollenbeck Division. This interview was not tape recorded and took place on October 16, 1996, at approximately 0730 hours. Officer [redacted] wrote down the statement made by witness [redacted] and provided that statement to Sergeant Pete Fosselman of the Internal Affairs Bureau.

First interview:

Witness [redacted] said he heard some "things" being thrown around and then heard someone yelling, [redacted] He said that he then heard two (2) gun shots. He did not see or witness anything else.

Second interview:

Sergeant Pete Fosselman interviewed witness [redacted] a second time on December 2, 1996, at approximately 1342 hours. This interview was tape recorded. The following is a summary of that interview:

Witness [redacted] said that he recalled the shooting incident on his street that occurred on October 16, 1996 at about 0600 hours. Witness [redacted] said that he was asleep at the time when some yelling and some noises caused him to wake up. He said that he remembers someone yelling, [redacted] He said that he heard two (2) gun shots. He described the shots as being close together. He said that after the first shot, "it was about one second or a little before one second when the second shot went off." He said the gun shots were not far apart. He said it was definitely not 3-4 seconds between the shots.

The interview was concluded at approximately 1345 hours.

WITNESS INTERVIEW

CASE NUMBER IAB 010887

[redacted] ***MH/32, DOB*** [redacted]

Witness [redacted] was interviewed by LAPD Officer [redacted] assigned to Hollenbeck Division. The interview was not tape recorded and took place on October 16, 1996, at approximately 0730 hours. Officer [redacted] wrote down the statement made by witness [redacted] and provided the statement to Sergeant Pete Fosselman of the Internal Affairs Bureau.

First interview:

Witness [redacted] said that at approximately 0555 hours, he heard some yelling and then he heard two (2) gun shots. He did not see or witness anything else.

Second interview:

Sergeant Pete Fosselman interviewed witness [redacted] a second time on December 5, 1996, at approximately 1607 hours. This interview was tape recorded. The following is a summary of that interview:

Witness [redacted] said that he recalled the shooting that occurred on October 16, 1996 at about 0600 hours. Witness [redacted] said that he was asleep at the time and some yelling and arguing outside his house woke him up. He said his house is directly [redacted] the street from where the shooting took place. He said that a short time after he heard the yelling and arguing, he heard two (2) gun shots. He said the shots were consecutive and not far apart. He said both were within one (1) second. He said they close together.

Witness [redacted] said that after hearing the shots, he got dressed and went outside. He said that upon exiting his house, he saw his neighbor, [redacted] and he [redacted] was bleeding from some cuts on the bridge of his nose and near his eye.

Witness [redacted] said he did not see any suspects or anything else. He said that when he got outside, everything seemed to be over. He said that [redacted] told him that he had been robbed and was beat up during the robbery. He said that [redacted] told him that he [redacted] had broke out the back window of the suspect's car.

The interview was concluded at approximately 1611 hours.

WITNESS INTERVIEW

CASE NUMBER IAB 010887

[redacted] ***MA/73, DOB*** [redacted]

Witness [redacted] was interviewed by LAPD Officer [redacted] assigned to Hollenbeck Division. The interview was not tape recorded and took place on October 16, 1996, at approximately 0735 hours. Officer [redacted] wrote down the statement made by witness [redacted] and provided the statement to Sergeant Pete Fosselman of the Internal Affairs Bureau.

First interview:

Witness [redacted] said that around 0530-0600 hours, he heard something that sounded like "dragging on the ground." He said that he heard some yelling and then he heard two (2) gun shots. He did not see or witness anything else.

Second interview:

Sergeant Pete Fosselman interviewed witness [redacted] a second time on December 2, 1996, at approximately 1348 hours. This interview was tape recorded. The following is a summary of that interview:

Witness [redacted] said that he recalled the shooting incident that occurred on October 16, 1996. He said that he heard some scraping or sounds like metal scraping the ground. He said that he heard some people shouting and yelling. He said that he lives [redacted] from the car wash and a couple of houses [redacted] He said that he was inside his house, but he could still hear the yelling. He said he was awake when he heard the yelling. He said that he then heard two (2) shots. He said the shots were close together. He said that there was about one second between the two shots. He said they were pretty close together.

The interview was concluded at approximately 1350 hours.

WITNESS INTERVIEW

CASE NUMBER IAB 010887

[redacted] ***MH/45, DOB*** [redacted]

Witness [redacted] was interviewed by LAPD Officer [redacted] assigned to Hollenbeck Division. This interview was not tape recorded and took place on October 16, 1996, at approximately 0900 hours. Officer [redacted] wrote down the statement made by witness [redacted] and provided the statement to Sergeant Pete Fosselman of the Internal Affairs Bureau.

First interview:

Witness [redacted] said that he was inside the church at [redacted] when he heard (2) shots. He said that he then heard a car drive away. He said that he saw the car and he thinks it was a Toyota. He did not see or witness anything else.

Second interview:

Sergeant Pete Fosselman interviewed witness [redacted] a second time on December 2, 1996, at approximately 1351 hours. The interview was tape recorded. The following is a summary of that interview:

Witness [redacted] said that he vaguely recalls the shooting incident that occurred on Paola Avenue on October 16, 1996 at approximately 0600 hours. He said that he was inside the church which is across the street from the car wash. He said that he remembers hearing only one (1) shot. He said that he did not hear two (2) shots.

> **IAB Note**: *This second interview conflicts with his original statement of hearing two (2) shots. The conversations with witness* [redacted] *seem less than reliable. He said that he believes the shooting occurred around 0430 hours.*

The interview was concluded at approximately 1354 hours.